

**WOOD, HERRON & EVANS, L.L.P.**

BRUCE TITTEL  
DONALD F. FREI  
DAVID S. STALLARD  
J. ROBERT CHAMBERS  
GREGORY J. LUNN  
KURT L. GROSSMAN  
CLEMENT H. LUKEN, JR.  
THOMAS J. BURGER  
GREGORY F. AHRENS  
WAYNE L. JACOBS  
KURT A. SUMME  
KEVIN G. ROONEY  
KEITH R. HAUPT  
THEODORE R. REMAKLUS  
THOMAS W. HUMPHREY  
SCOTT A. STINEBRUNER  
DAVID H. BRINKMAN  
BEVERLY A. LYMAN, Ph.D.  
KRISTI L. DAVIDSON

2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI, OHIO 45202-2917  
TELEPHONE: 513-241-2324  
FACSIMILE: 513-241-6234  
WEBSITE: [www.whepatent.com](http://www.whepatent.com)

PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1988  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

RECEIVED  
CENTRAL FAX CENTER

DEC 14 2005

JOSEPH R. JORDAN  
C. RICHARD EBY  
KATHRYN E. SMITH  
P. ANDREW BLATT, Ph.D.  
DAVID E. JEFFERIES  
WILLIAM R. ALLEN, Ph.D.  
JOHN PAUL DAVIS  
DOUGLAS A. SCHOLER  
BRETT A. SCHATZ  
DAVID W. DORTON  
SARAH OTTE GRABER  
STEVEN W. BENINTENDI, Ph.D.  
RANDALL S. JACKSON, JR.  
CARL J. BRAUCH  
OF COUNSEL  
JOHN D. POFFENBERGER  
DAVID J. JOSEPHIC  
THOMAS W. FLYNN  
J. DWIGHT POFFENBERGER, JR.  
BRADLEY D. BECK

December 14, 2005

**FACSIMILE COVER SHEET**

To: Technology Center 3763

From: Debbie Goodman for  
Kurt L. Grossman

Fax: (571) 273-8300  
Central Fax Number

Re: Our File: MDXVA-21US  
Serial No. 60/461,172

Pages: 7 (including cover page)

**MESSAGE/COMMENTS**

Attached herewith is the Preliminary Amendment  
submitted for the above-identified application.

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

DEC. 14. 2005 5:29PM

513 241 6234

RECEIVED  
CENTRAL FAX CENTER

NO. 2116 P. 2

DEC 14 2005

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence for Application No. 10/713,917 is being facsimile transmitted to Technology Center 3763, via Central Fax Number (703) 872-9306, on December 14, 2005.

  
Debbie C. Goodman

12/14/05  
Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Serial No.: 10/713,917  
Filed: April 8, 2003  
Group Art Unit: 3763  
Examiner: Not Yet Assigned  
Applicant: Joseph P. McGurk  
Title: SAFETY NEEDLE AND CATHETER ASSEMBLY  
Attorney Docket: MDXVA-21US  
Confirmation No.: 4436

Cincinnati, Ohio 45202

December 14, 2005

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**PRELIMINARY AMENDMENT**

Prior to the examination on the merits of the above-identified application, please amend the subject application as follows.

**Amendments to the Claims begin on page 2.**

**Remarks begin on page 6.**